## AMENDMENT OFFERED BY MR. LARGENT ( STUPAK OR MR. STRICKLAND

88 no. H.L.C. 1+.Q. 1542
Amendment no.:
Retayffered: 5 9 01
Mt assaud by
Disposition: Not Approved by

## TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE TO H.R. 1542

(broadband deployment)

At the end of the bill add the following new section:

## 1 SEC. 8. DEPLOYMENT OF BROADBAND SERVICES.

- 2 Part III of title II of the Communications Act of
- 3 1934 is amended by inserting after section 276 (47 U.S.C.
- 4 276) the following new section:
- 5 "SEC. 277. DEPLOYMENT OF BROADBAND SERVICES.
- 6 "(a) DEPLOYMENT REQUIRED.—Each Bell operating
- 7 company and its affiliates shall deploy high speed data
- 8 services in each State in which such company or affiliate
- 9 is an incumbent local exchange carrier (as such term is
- 10 defined in section 251(h)) in accordance with the require-
- 11 ments of this section.
- 12 "(b) DEPLOYMENT REQUIREMENTS.—
- 13 "(1) MILEPOSTS FOR DEPLOYMENT.—A Bell
- operating company or its affiliate shall deploy high
- speed data services by attaining high speed data ca-
- pability in its central offices in each State to which
- 17 subsection (a) applies. Such company or affiliate



1	shall attain such capability in accordance with the
2	following schedule:
3	"(A) Within one year after the date of en-
4	actment of this section, such company or affil-
5	iate shall attain high speed data capability in
6	not less than 20 percent of such central offices
7	in such State, that have not attained such capa-
8	bility by the date of the enactment of the Inter-
9	net Freedom and Broadband Deployment Act
10	of 2001.
11	"(B) Within 2 years after the date of en-
12	actment of this section, such company or affil-
13	iate shall attain high speed data capability in
14	not less than 40 percent of such central offices
15	in such State, that have not attained such capa-
16	bility by the date of the enactment of the Inter-
17	net Freedom and Broadband Deployment Act
18	of 2001.
19	"(C) Within 3 years after the date of en-
20	actment of this section, such company or affil-
21	iate shall attain high speed data capability in
22	not less than 70 percent of such central offices
23	in such State, that have not attained such capa-

bility by the date of the enactment of the Inter-



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net Freedom and Broadband Deployment Act

2	of 2001.
3	"(D) Within 3 years after the date of en-
4	actment of this section, such company or affil-
5	iate shall attain high speed data capability in
6	central offices serving all of the underserved
7	areas that are in low income census tracts de-
8	scribed in subsection (d)(2) in such State.
9	"(2) HIGH SPEED DATA CAPABILITY.—For pur-
10	poses of paragraph (1), a central office shall be con-
11	sidered to have attained high speed capability if-
12	"(A)(i) such central office is equipped with
13	high speed data multiplexing capability; and
14	"(ii) each upgradeable customer loop that
15	originates or terminates in such central office is
16	upgraded promptly upon receipt of a customer
17	request for such upgrading, as necessary to per-
18	mit transmission of high speed data service (in-
19	cluding any conditioning of the loop);
20	"(B) each customer served by such central
21	office (without regard to the upgradeability or
22	length of the customer's loop) is able to obtain
23	the provision of high speed data service from

such Bell operating company or its affiliate by



1	means of an alternative technology that does
2	not involve the use of the customer's loop; or
3	"(C) each such customer is able to obtain
4	the provision of high speed data service by one
5	or the other of the means described in subpara-
6	graphs (A) and (B).
7	"(3) UPGRADEABLE LOOPS.—For purposes of
8	paragraph (2), a customer loop is upgradeable if
9	such loop is less than 150,000 feet in length (from
10	the central office to the customer's premises along
11	the line).
12	"(e) Availability of Remedies.—
13	"(1) FORFEITURE PENALTIES.—A Bell oper-
14	ating company or its affiliate that fails to comply
15	with this section shall be subject to the penalties
16	provided in section 503(b)(2). In determining wheth-
17	er to impose a forfeiture penalty, and in determining
18	the amount of any forfeiture penalty under section
19	503(b)(2)(D), the Commission shall take into con-
20	sideration the extent to which the requirements of
21	this section are technically infeasible.
22	"(2) Jurisdiction.—The Commission shall
23	have exclusive jurisdiction to enforce the require-
24	ments of this section, except that any State commis-



1	ing the imposition of penalties as provided in para-
2	graph (1).
3	"(3) Suspension.—The Commission shall,
4	upon petition by a State, suspend the authorities
5	granted in the Internet Freedom and Broadband
6	Deployment Act of 2001, if the State determines the
7	Bell operating company or its affiliate is not in sub-
8	stantial compliance with subsection (b).
9	"(d) Annual Report on Deployment.—
10	"(1) Analysis required.—The Commission
11	shall include in each of its annual reports submitted
12	no more than 18 months after the date of enactment
13	of this section an analysis of the deployment of high
14	speed data service to underserved areas. Such report
15	shall include—
16	"(A) a statistical analysis of the extent to
17	which high speed data service has been de-
18	ployed to central offices and customer loops, or
19	is available using different technologies, as com-
20	pared with the extent of such deployment and
21	availability prior to such date and in prior re-
22	ports under this subsection;
23	"(B) a breakdown of the delivery of high
24	speed data service by type of technology and

class or category of provider;



1	"(C) an identification of impediments to
2	such deployment and availability, and develop-
3	ments in overcoming such impediments during
4	the intervening period between such reports;
5	and
6	"(D) recommendations of the Commission,
7	after consultation with the National Tele-
8	communications and Information Administra-
9	tion, for further extending such deployment and
10	availability and overcoming such impediments.
11	"(2) DEFINITION OF UNDERSERVED AREA.—
12	For purposes of paragraph (1), the term 'under-
13	served areas' means areas that
14	"(A) are high cost areas that-
15	"(i) are not within 10 miles of any in-
16	corporated or census designated place con-
17	taining more than 25,000 people; and
18	"(ii) are not within a county or county
19	equivalent which has an overall population
20	density of more than 500 people per
21	square mile of land; or
22	"(B) are within or comprised of any census
23	tract—



l	"(1) the poverty level of which is at
2	least 30 percent (based on the most recent
3	census data); or
4	"(ii) the median family income of
5	which does not exceed—
6	"(I) in the case of a census tract
7	located in a metropolitan statistical
8	area, 70 percent of the greater of the
9	metropolitan area median family in-
10	come or the statewide median family
11	income; and
12	"(II) in the case of a census tract
13	located in a nonmetropolitan statis-
14	tical area, 70 percent of the non-
15	metropolitan statewide median family
16	income.
17	"(3) DESIGNATION OF CENSUS TRACTS.—The
18	Commission shall, not later than 90 days after the
19	date of the enactment of this section, designate and
20	publish those census tracts meeting the criteria de-
21	scribed in paragraph (2)(B).".

In section 7 of the bill, strike "section 5 or 6 (or both)" and insert "section 5, 6, or 7 (or any combination thereof)".